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8 Attorneys for Plaintiff

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 JUVENAL LOPEZ-CASTRO,)
16 Defendant.)
17

No. CR 08-00313 JW

**GOVERNMENT'S REQUEST TO
DISMISS INDICTMENT** doc #17 PY7

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19 COMES NOW THE UNITED STATES OF AMERICA appearing through the
20 undersigned Assistant United States Attorney and moves this Honorable Court for an order
21 dismissing the above-captioned indictment. The facts supporting this request are as follows:

22 The above-captioned indictment was inadvertently filed before it had been presented
23 to the Grand Jury. Accordingly, no True Bill has been returned as of the date of filing (May
24 12, 2008). Therefore, the United States respectfully requests that the above-captioned

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FILED
MAY 15 2008
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 indictment be dismissed. *Doc #7 p/7*

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4 DATED: May 14, 2008

Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 *Benjamin Kennedy*
8 BENJAMIN T. KENNEDY
9 Assistant United States Attorney

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12 **ORDER**

13 Upon application of the United States, and good cause having been shown therefor,

14 **IT IS HEREBY ORDERED** that the above-captioned Indictment is DISMISSED.

15
16 DATE: *5/15/08*

17 *Patricia V. Trumbull*
18 PATRICIA V. TRUMBULL
19 United States Magistrate Judge

20 **Distribute to:**

21 Benjamin T. Kennedy
22 Assistant United States Attorney
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